

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION

IN RE: :  
:  
JONATHAN CARLOS GARCIA OCHOA :  
: CHAPTER 13  
: CASE NO.: 23-41680-pwb  
Debtor(s). :  
-----:  
WORLD OMNI FINANCIAL CORP. :  
Movant, :  
vs. : CONTESTED MATTER  
:  
JONATHAN CARLOS GARCIA OCHOA, :  
Debtor :  
K. EDWARD SAFIR, Trustee :  
Respondents. :  
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OBJECTION TO CONFIRMATION

COMES NOW World Omni Financial Corp. and respectfully shows the Court the following:

1.

Debtor filed a Chapter 13 case in the Northern District of Georgia, Rome Division on November 14, 2023.

2.

Movant has claim in the amount of \$30,835.01 secured by a purchase money security interest in a 2021 TOYOTA RAV4 VIN: 2T3W1RFV5MW182729, arising of a Retail Installment Sale Contract dated January 4, 2022 — less than 910 days prior to the filing of this Chapter 13 case.

3.

Debtor's plan proposes to surrender said Collateral. Creditor objects to the Plan's attempt to deprive World Omni of its right to file an amended unsecured claim for any deficiency balance that may arise as a result of Debtor's untimely surrender of the Car. *See generally In re Winters*, 380 B.R. 855, 860 (M.D. Fla. Bankr. 2007).

4.

That Debtor intends to surrender the collateral Car is uncontested. That Debtor may surrender in *full satisfaction of secured claim*, is improper and inappropriate and Creditor objects.

5.

Pursuant to 11 U.S.C. § 361, Creditor is entitled to adequate protection of its interest in the Vehicle. For Creditor to be adequately protected, Confirmation of Debtor's Chapter 13 Plan as proposed should be denied as it does not adequately protect World Omni's purchase money security interest. Movant is not adequately protected.

WHEREFORE, Movant prays that a hearing be scheduled in this matter and that confirmation in this case be Denied, and for whatever other relief this Court deems just and proper.

Respectfully submitted,

/s/ Jesse D. Hachat  
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CERTIFICATE OF SERVICE

This is to certify that I have this day served all parties in the within and foregoing matter with a copy of the attached Objection to Confirmation by depositing a copy of the same in the United States Mail, postage prepaid, addressed as follows:

Jonathan Carlos Garcia Ochoa  
119 Avalon Dr  
Calhoun, GA 30701

Dan Saeger  
Saeger & Associates, LLC  
Suite D  
706 S Thornton Ave  
Dalton, GA 30720

K. Edward Safir  
Mary Ida Townsend  
Suite 1600  
285 Peachtree Center Ave, NE  
Atlanta, GA 30303

This 18th day of January, 2024.

/s/ Jesse D. Hachat  
Jesse D. Hachat, GA Bar Number 142281